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15 Attorneys for Defendants Power  
16 Ventures, Inc. and Steve Vachani

17 UNITED STATES DISTRICT COURT

18 NORTHERN DISTRICT OF CALIFORNIA

19 FACEBOOK, INC.,

20 Plaintiff,

21 -against-

22 POWER VENTURES, INC. d/b/a POWER.COM, a  
23 California corporation; POWER VENTURES, INC.  
24 a Cayman Island Corporation, STEVE VACHANI,  
25 an individual; DOE 1, d/b/a POWER.COM, an  
individual and/or business entity of unknown nature;  
DOES 2 through 25, inclusive, individuals and/or  
business entities of unknown nature,

27 Defendants.

28 Case No. 5:08-CV-05780 JW

**DECLARATION OF L. TIMOTHY  
FISHER, PURSUANT TO CIVIL  
L.R. 79-5(D), IN RESPONSE TO  
ADMINISTRATIVE MOTION TO  
FILE UNDER SEAL CERTAIN  
PORTIONS OF FACEBOOK, INC.'S  
MOTION TO COMPEL**

1 I, L. Timothy Fisher, declare:

2 1. I am an attorney with the law firm of Bursor & Fisher, P.A. and counsel for  
3 Defendants Power Ventures, Inc. (“Power”) and Steve Vachani. I make this  
4 declaration, pursuant to Civil Rule 79-5(d), in response to Plaintiff’s administrative  
5 motion to file under seal certain portions of Facebook, Inc.’s Motion to Compel.  
6 Dkt. No. 128.

7 2. Facebook, Inc.’s Motion to Compel includes portions of the transcript of the July  
8 20, 2100 deposition of Defendant Steve Vachani, which has been designated in its  
9 entirety as Highly Confidential – Attorneys’ Eyes Only.

10 3. Certain portions of the Vachani deposition transcript include references to and  
11 discussions of Power’s source code. Power’s source code is a highly confidential  
12 part of its business and has been granted special protection under the protective  
13 order in place in this case. *See* 2/4/11 Stipulated Protective Order for Standard  
14 Litigation at 12-13.

15 4. The following pages of the Vachani deposition cited in Facebook, Inc.’s Motion to  
16 Compel include references to Power’s highly confidential source code: 36-40, 50,  
17 53, 57-63, 91-92, 111-113, 133-134, 259-261, 266, 269, and 271-272. These pages  
18 of the Vachani deposition cited in Exhibit E to Facebook, Inc.’s Motion to Compel  
19 are sealable.

20 5. Defendants hereby withdraw the confidential designation of the following pages of  
21 the Vachani deposition cited in Facebook, Inc.’s Motion to Compel: 1-8, 21-22, 25,  
22 48, 91, 132, 135-144, 155, 171-172, 182-183, 205-206, 229-230, 232, 245-246, 256-  
23 258, 270, 284-285, 290-291, 293-301, 333-339, 341-344, and 361-362.

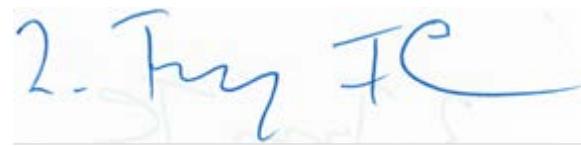
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25 I declare under penalty of perjury that the foregoing is true and correct to the best of my  
26 knowledge. Executed this 1<sup>st</sup> day of September, 2011, at Walnut Creek, California.

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L. Timothy Fisher